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Tasheena Sandoval, Melissa Travis and James Underwood*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID BURNS,

Plaintiff,

vs.

TASHEENA SANDOVAL, et al.,

Defendants.

Case No. 3:18-cv-00086-MMD-CLB

**MOTION FOR EXTENSION OF TIME
(ECF NO. 99)**

Defendants, Harold "Mike" Byrne, Daniel Clark, William Gittere, Frederick Hammel, Hal Hollingsworth, Walter Romero, Tasheena Sandoval, Melissa Travis and James Underwood, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby move this Court for an extension of time to respond to this Court's Order to file a status report (ECF No. 99). This Motion is made and based upon Federal Rule of Civil Procedure 6(b)(1)(A), the attached Points and Authorities, the papers and pleadings on file herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

Defendants respectfully request an extension of time out from the current deadline (July 10, 2020) to respond to this Court's order to file status report (ECF No. 99) in this case. This Court ordered the Defendants to file a status report that includes several sworn affidavits. Counsel has contacted the

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persons who would be authorized to file such affidavits. However, there is still one person with whom Counsel has not been able to make contact.

Defense counsel submits that he is not able to respond to the order in a timely manner. Counsel has been involved in an extensive and time consuming settlement conference in the Hepatitis C class action. The settlement conference took the entire day on Thursday, July 9, 2020. Substantial progress was made, however, the settlement conference will continue on Friday, July 10, 2020. Counsel has been attempting to contact the appropriate parties during conference breaks, but has been unable. Additionally, the work restrictions of COVID-19 are continuing to affect the ability to timely respond to this order. Counsel would ordinarily not request an extension due to case load. However, this is a particularly unusual time and occurrence.

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for a thorough opportunity to respond to the order. The requested extension of time should permit the Defendants time to adequately research draft, and submit their response in this case. Defendants assert that the requisite good cause is present to warrant the requested extension of time. Therefore, the Defendants request an extension, until **July 14, 2020**, to respond to the Court's order for status report. (ECF No. 99).

DATED this 10th day of July, 2020.

AARON D. FORD
Attorney General

By: /s/ Douglas R. Rands
DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

Attorneys for Defendant

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: July 13, 2020

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on July 10th, 2020, I electronically filed the foregoing, **MOTION FOR EXTENSION OF TIME (ECF NO. 99)**, via this Court's electronic filing system to the following:

David Burns, #1139521
C/o Law Librarian
Ely State Prison
P.O. Box 1989
Ely, NV 89301
ESP_lawlibrary@doc.nv.gov

/s/ Caitie Collins
An employee of the
Office of the Attorney General